

EUROPEAN PARLIAMENT

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Committee on Civil Liberties, Justice and Home Affairs

PROGRAMME

Seminar

on

Prevention of Statelessness and Protection of Stateless Persons within the European Union

Tuesday 26 June 2007

9:00 – 12:30

**Room ASP 3E2
(Altiero Spinelli)
Brussels**

INTRODUCTION

On the 7 November 2006, in the speech delivered at the United Nations in New York, the Flemish Presidency stated, on behalf of the European Union "(...) The EU supports UNHCR's activities in protecting stateless persons who are often the most forgotten group and encourages UNHCR to continue their work in identifying, preventing and reducing statelessness all over the world (...)". As a follow-up of this statement given on behalf of the Council Presidency, the European Parliament and more specifically the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, has initiated the Seminar on the topic of identifying, preventing and reducing statelessness, after the letter received from the UNHCR of 23 January 2007.

Nationality is a legal bond between a State and an individual, and statelessness refers to the condition of an individual who is not considered as a national by any State under the operation of its law. Statelessness may arise as a result of such circumstances as state succession, denial of a woman's ability to pass on nationality to her children, automatic loss of citizenship from prolonged residence abroad, loss of nationality due to a person's marriage to an alien or due to a change in nationality of a spouse during marriage and non-acquisition of nationality by children born out of wedlock.

Possession of nationality is essential for full participation in society and generally a prerequisite for the enjoyment of diplomatic protection. For example, political rights as well as the right to enter and reside in a State are frequently limited to nationals.

Given the consequences of statelessness, the issue has long been on the agenda of the United Nations. Since the mid-1990s the UN General Assembly has reinforced UNHCR's mandate in the field of statelessness and UNHCR's Executive Committee had provided increasingly detailed guidance. As the General Assembly and ExCom have emphasised, effective action by States with the support of UNHCR and other UN agencies and civil society actors is essential for preventing such situations from arising, reducing statelessness and guaranteeing the rights of the persons affected until such time as their situation can be resolved.

Rights and corresponding state obligations relating to nationality are contained in a number of United Nations and regional human rights instruments. Two international conventions contain provisions pertaining to the specific issue of statelessness: The 1954 Convention relating to the Status of Stateless Persons (1954 Convention) and the 1961 Convention on the Reduction of Statelessness (1961 Convention).

In Europe, the Council of Europe has traditionally been at the forefront of the efforts to develop common principles with regard to nationality and to prevent the occurrence of statelessness. The 1997 European Convention on Nationality and the 2006 Council of Europe Convention on the avoidance of statelessness in relation to state succession provide a useful legal framework to avoid statelessness.

Despite these positive legal developments, the European Union continues to host a decreasing but still large stateless population mainly resulting from the consequences of the dissolution of the Soviet Union and of the former Yugoslavia. Latvia, Estonia, and to a lesser extent Lithuania and Slovenia host such stateless populations. Other European Union member States are granting the status of stateless persons through the application of the 1954 Convention to

thousands of individuals originating from all parts of the world.

The European Parliament Hearing will therefore focus on three themes with the aim of further reinforcing the capacity of the EU Member States and European Institutions to address statelessness in cooperation with UNHCR, the Council of Europe and civil society. The UNHCR and the Inter-Parliamentary Union will use this opportunity to launch the Handbook for Parliamentarians on Nationality and Statelessness which they originally co-published in November 2005.

Prevention of Statelessness: Current trends in European Citizenship laws, dual nationality, deprivation of nationality, children born out of wedlock.

How can the European Union Member States and the European Union avoid the occurrence of statelessness? Can the concept of European Citizenship assist in this regard?

Reduction of Statelessness: The total number of stateless populations is steadily decreasing in States which were confronted with the consequences of State succession, in particular through naturalization and integration programmes. How can Member States and the European Union institutions further assist the facilitated naturalization of stateless persons?

Protection of Stateless Persons: Most European Union Member States have acceded to the 1954 Convention relating to the Status of Stateless Persons (the exceptions are Austria, Bulgaria, Estonia, Poland and Portugal, Cyprus and Malta). The Convention provides a legal status for stateless persons. However many States have not put in place specific procedures to grant such status nor have they implemented other provisions of the Convention in practice. Many States do not specifically record the number of stateless persons habitually residing in their territories. Some States have put in place specific legal regimes for these populations in addition or in the absence of applying the 1954 Convention. How can UNHCR assist European Union States to implement the provisions of the 1954 Convention and, for those not yet party to the Convention, to accede to it?

This Seminar will provide inspiration and further food for thought for all the European Institutions which can materialise in a form of study or initiative report, etc. It will also enhance the role of the international organisations in this area, which in the recent years carries an increasing importance.

OPENING

Introductory remarks by:

09:00 - 09:05 **Mr Stavros Lambrinidis**, Vice-Chairman of the Civil Rights, Justice and Home Affairs Committee

09:05 - 09:15 **Mr. Francisco Fonseca Morillo**, Director, Directorate C, Civil Justice, Right and Citizenship

PANEL I

Prevention of statelessness - view from academic experts in the field

09:15 - 09:30 **Mr. Gerard-Rene de Groot**, Professor of Comparative Law and Private International Law, University of Maastricht, The Netherlands

09:30 - 09:45 **Dr. Eva Ersboll**, Research fellow, Research Department, Danish Institute for Human Rights

09:45 - 10:15 *Debate*

PANEL II

Reduction of Statelessness - view from the Council of Europe or of the United Nations

10:15 - 10:30 **Mr. Roland Scharer**, Head, Swiss nationality Section, Federal Office for Migration, Bern, Switzerland, expert for the Council of Europe

10.30 - 10.45 **Professor Zdzislaw Galicki**, Member of the International Law Commission, Professor Zdzislaw Galicki is the Vice-Director of the International Law Institute at Warsaw University, he is also the author of many papers, a UN and Council of Europe expert.

10:45 - 11:15 *Debate*

PANEL III

Protection of Stateless Persons

11:15 - 11:30 **Mr. Philippe Leclerc**, Head of the Statelessness Unit, Division of International Protection Services, UNHCR Geneva

11:30 - 11:45 **Ms Inga Reine**, Government Agent, Ministry of Foreign Affairs of the Republic of Latvia

PANEL IV

People facing difficulties to access, enjoying, proving citizenship

11:45 - 12:00 **Ms Jasminka Dedic**, Peace Institute, Slovenia

12:00 - 12:20 *Debate*

12:20 - 12:30 *Closing remarks by the Presidency of the Council (the name of the representative of the Presidency to be communicated)*

ANNEX

PRACTICAL GUIDELINES FOR THE DEBATE

Presentations will be limited to 10 minutes (see programme for details).

The floor will be given to Members in the order in which requests are received.

Speakers wishing to supplement their speeches may do so in writing by submitting documents (preferably in English or French) in advance to the secretariat (email: ip-libe@europarl.europa.eu). These documents will be circulated during the meeting.

IMPORTANT NOTICE FOR THOSE WISHING TO ATTEND THE HEARING

This seminar is open to the public. However, for security reasons, participants who do not have a European Parliament access badge must obtain a pass in advance. Those wishing to obtain such a pass should contact the seminar secretariat (ip-libe@europarl.europa.eu) before **20 June 2007**. It is essential to provide us with your full name, address and date of birth. Without this information, the Security Service will not provide entry passes.

Simultaneous interpretation will be available in the following languages : EN, FR, DE, IT, NL, ES, HU, EL, PT, RO, SV, PL

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